

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) CASE NO. 3:10-CR-80-PLR
)
WILLIAM A. YOUNG, JR.)

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 27]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 29]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on November 4, 2016.

The defendant was convicted of possessing with intent to distribute at least five grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and possessing a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c). At sentencing, defendant's base offense level was 17, with a criminal history category II, resulting in an advisory guideline range of 27 - 33 months for the drug offense. Because defendant was subject to a 60 month consecutive mandatory minimum for the firearm

offense, his effective guideline range was 87 – 93 months imprisonment. Defendant was sentenced on November 7, 2011, to 87 months imprisonment.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 15, with a criminal history category II, resulting in an amended guideline range of 21 - 27 months for the drug offense. Defendant remains subject to the consecutive 60-month term for the firearm offense. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 27] is GRANTED, and the defendant's sentence is **reduced to 81 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated November 7, 2011, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE